

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AARON SOTELO, *Individually and on
Behalf of all Others Similarly Situated,*

Plaintiffs,

v.

No. 2:21-cv-409 GBW/KRS

SUR TRANSPORTE, Inc., et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. Plaintiffs initiated this action on May 3, 2021. On May 31, 2021, summonses were returned executed against two Defendants and their answers were due June 14, 2021. (Docs. 3 and 4). No answer or other responsive pleading has been filed, and the remaining Defendants appear to remain unserved. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiffs were required to serve Defendants within ninety days of filing the complaint. In addition, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); *see also* D.N.M. LR-Civ. 41.1 (“A civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward.”). More than ninety days have passed since Plaintiffs took any step to move this case forward.

IT IS THEREFORE ORDERED that **on or before October 15, 2021** Plaintiffs must provide the Court with a written explanation showing good cause why this case should not be dismissed for failure to prosecute.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE